

SENATE BILL NO. 410

INTRODUCED BY GALLUS

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE POWER OF CITIES AND TOWNS TO CONTROL, REMOVE, AND RESTRICT GAME ANIMALS UNDER PLANS APPROVED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS 7-3-1105, 7-3-1222, 7-31-4110, AND 87-3-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-3-1105, MCA, is amended to read:

"7-3-1105. Rules, ordinances, and resolutions of consolidated unit. (1) Within 2 years after ratification of the consolidation, the governing body of the consolidated unit of local government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county, cities, and towns at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation ~~shall~~ must remain in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments may not be repealed.

(2) (a) A consolidated government may adopt, for the portion of the consolidated government that was formerly a city or town, a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the defined boundaries of the city or town limits for public health and safety purposes. Upon adoption of a plan, the consolidated government shall notify the department of fish, wildlife, and parks of the plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government may implement the plan as approved or as approved with conditions.

(b) The plan may allow the hunting of game animals and provide restrictions on the feeding of game animals."

Section 2. Section 7-3-1222, MCA, is amended to read:

"7-3-1222. Procedure to enact ordinances and resolutions. (1) Ordinances and resolutions must be introduced in the commission only in written or printed form. All ordinances or resolutions, except ordinances

1 making appropriations, must be confined to one subject, which must be clearly expressed in the title, except as
2 provided in 7-3-1226. Ordinances making appropriations must be confined to the subject of appropriations. An
3 ordinance may not be passed until it has been read on 3 separate days, unless the requirement of reading on
4 3 separate days has been dispensed with by a vote of not less than two-thirds of the members of the
5 commission. The final reading must be in full unless a written or printed copy of the measure has been furnished
6 to each member of the commission prior to final reading.

7 (2) The enacting clause of all ordinances passed by the commission must be: "Be it ordained by the
8 city and county of _____", and the enacting clause of all ordinances submitted by the initiative must be: "Be
9 it ordained by the people of the city and county of _____".

10 (3) An ordinance, resolution, or section of an ordinance or resolution may not be revised or amended
11 unless the new ordinance or resolution contains the entire ordinance, resolution, or section of the ordinance or
12 resolution as revised or amended.

13 (4) Every ordinance or resolution, upon its final passage, must be recorded in a book kept for that
14 purpose and must be authenticated by the signatures of the president and clerk. Within 10 days after its final
15 passage, each ordinance or resolution must be published at least once in the manner that the commission may
16 provide by ordinance.

17 (5) Initiated ordinances adopted by the electors must be published and may be amended or repealed
18 by the commission, as in the case of other ordinances.

19 (6) (a) A consolidated government may adopt, for the portion of the consolidated government that was
20 formerly a city or town, a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the
21 boundaries that are within the city or town limits for public health and safety purposes. Upon adoption of a plan,
22 the consolidated government shall notify the department of fish, wildlife, and parks of the plan. If the department
23 of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government
24 may implement the plan as approved or as approved with conditions.

25 (b) The plan may allow the hunting of game animals and provide restrictions on the feeding of game
26 animals."

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28 **Section 3.** Section 7-31-4110, MCA, is amended to read:

29 **"7-31-4110. Restriction of wildlife.** (1) A city or town may adopt a plan to control, remove, and restrict
30 game animals, as defined in 87-2-101, within the boundaries of the city or town limits for public health and safety

1 purposes. Upon adoption of a plan, the city or town shall notify the department of fish, wildlife, and parks of the
2 plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the
3 city or town may implement the plan as approved or as approved with conditions.

4 (2) The plan may allow the hunting of game animals and provide restrictions on the feeding of game
5 animals."

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7 **Section 4.** Section 87-3-305, MCA, is amended to read:

8 **"87-3-305. Unlawful to hunt deer within city or town boundaries.** It is unlawful to hunt or attempt
9 to hunt any deer within the boundaries of any incorporated or unincorporated city or town of this state except as
10 allowed under a plan developed by a city or town and approved by the department pursuant to 7-3-1105,
11 7-3-1222, or 7-31-4110."

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13 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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